

1 MR. BROWN: I am, Your Honor.

2 MS. LADEN: I am, Your Honor.

3 JUDGE SIPPEL: I am, too. Is the reporter all
4 right?

5 THE REPORTER: I'm fine.

6 JUDGE SIPPEL: There is water here. If you need
7 water as you go forward, if you want to take--just walk up
8 and help yourself to some water if you need it, Mr. Brown.

9 MR. BROWN: Okay. Yes, sir.

10 JUDGE SIPPEL: All right. Let's move on to your
11 Exhibit No. 2. According to what you have given to me in
12 your trial brief, these are four documents. Well, the
13 description speaks for themselves, but there is basically
14 four documents in your Exhibit No. 2.

15 Is that what you want to introduce into evidence
16 today?

17 MR. BROWN: Yes, sir.

18 JUDGE SIPPEL: Let's go off the record for just a
19 minute.

20 (A discussion was held off the record.)

21 JUDGE SIPPEL: We are back on the record. We are
22 going to now seek to receive in evidence and have you seek



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1 to receive in evidence your Exhibit No. 2, and we have, we
2 have defined off the record that there are a total of five
3 pages to this exhibit, the first page being the cover sheet,
4 Exhibit No. 2, and I think there is no contention about
5 that, so unless you have any objection, Ms. Laden, I'm going
6 to receive that in evidence at this time.

7 MS. LADEN: No objection.

8 JUDGE SIPPEL: So your cover sheet is now received
9 in evidence, Mr. Brown.

10 MR. BROWN: Yes, sir.

11 (Brown Exhibit No. 2 was
12 marked for identification,
13 and page No. 1 was received
14 into evidence.)

15 JUDGE SIPPEL: Let's go on to your first
16 substantive document in that exhibit, and that is page 2.
17 That's a letter dated June 25, 1990, and it appears to be
18 sent by you to the Federal Communications Commission.

19 MR. BROWN: Yes, sir, it was.

20 JUDGE SIPPEL: It was sent by you?

21 MR. BROWN: Yes, sir.

22 JUDGE SIPPEL: All right. And it was sent by you



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1 on that date?

2 MR. BROWN: No. Yes, sir. That was--well, I
3 don't know whether it mailed the 25th or the 26th, Your
4 Honor, but that was the day it was typed.

5 JUDGE SIPPEL: It was mailed shortly thereafter?

6 MR. BROWN: Yes, sir--the next day.

7 JUDGE SIPPEL: All right. And it does identify
8 the station, WKIJ AM, as having gone silent, is that
9 correct.

10 MR. BROWN: Yes, sir.

11 JUDGE SIPPEL: June 24, 1990?

12 MR. BROWN: Yes, sir. That was the date. June
13 25th was--

14 JUDGE SIPPEL: That is the date you went silent?

15 MR. BROWN: The 24th, yes.

16 JUDGE SIPPEL: What is the purpose for offering
17 this into evidence?

18 MR. BROWN: Again, it is to show that we were
19 communicating with the Commission, Your Honor.

20 JUDGE SIPPEL: Any objection to receiving this,
21 Ms. Laden?

22 MS. LADEN: Well, Your Honor, it's, it's a copy of



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1 the Mass Media Bureau's Exhibit 1. I would prefer to have
2 Mass Media Bureau Exhibit 1 because that one bears the
3 received stamps. Therefore, that one shows it was received
4 by the Commission as well as sent.

5 JUDGE SIPPEL: Well, it is duplicative, and I
6 understand that, you know, but again, we are not--I mean I
7 understand the policy reasons and all the practical reasons
8 for not permitting duplicative, duplicative documents to
9 come into the records, but I'm going to exercise some
10 discretion with Mr. Brown who is appearing pro se. He has
11 obviously worked hard to line this case up in terms of his
12 theory how he wants to present it. I don't think anybody is
13 going to be misled by what he is doing here.

14 He wants to testify as to what his records show,
15 his business records show to be the date that he mailed, the
16 date that he gave notice to the Commission, and since his
17 intentions and his conduct is in issue here, I'm going to
18 overrule the objection, so I'm going to receive your Exhibit
19 2, page 2, into evidence at this time. Okay.

20 (Brown Exhibit No. 2, page 2
21 was received into evidence.)

22 JUDGE SIPPEL: Exhibit 2, page 3 is a letter dated



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1 November 9, 1990, to the Federal Communications Commission,
2 Mass Media Bureau, and it appears to be from Jimmy D. Brown
3 with Exhibit A and B attached. That's what it says, Exhibit
4 A and B attached.

5 MR. BROWN: Yes, sir.

6 JUDGE SIPPEL: Is that your--

7 MR. BROWN: Yes, sir.

8 JUDGE SIPPEL: What were Exhibits A and B?

9 MR. BROWN: Oh--

10 JUDGE SIPPEL: You're talking to Mrs. Brown, is
11 that correct?

12 MR. BROWN: That's right. I'm asking her to hold
13 the information, hold that just like you have it right
14 there.

15 Your Honor, I'm not sure, but I believe that it's,
16 when we get on over into Exhibit No. 3, the last two pages
17 of Exhibit No. 3 was what I was referring to in this letter.

18 JUDGE SIPPEL: All right. Let me just, let me ask
19 you again then why, then what is the relevance of this
20 particular document, this November 9, 1990 document?

21 MR. BROWN: Just showing that we are communicating
22 with the Commission, Your Honor.



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1 JUDGE SIPPEL: And you have mailed this on or
2 about November 9th?

3 MR. BROWN: Yes, sir.

4 JUDGE SIPPEL: What were you communicating with
5 them about? I guess the letter is self-evident.

6 MR. BROWN: I was asking them to waive the freeze
7 that was on the am band so I could do some field test
8 measurements as to when we get a little further into this,
9 we will see that we were wanting to move the transmitter
10 site, Your Honor.

11 JUDGE SIPPEL: And for the ultimate purpose of
12 getting back on the air?

13 MR. BROWN: Yes, sir. That's what we were trying
14 to do, Your Honor.

15 JUDGE SIPPEL: I hear you. I hear you. Ms.
16 Laden?

17 MS. LADEN: Your Honor, well, Mr. Brown has
18 clarified a lot of questions I had. I was wondering why
19 there was another letter at the next set of exhibits dated
20 the same date dealing with the same subject.

21 I tend to agree that those, that letter is the
22 attachment to this one. In any event, there is no copy of



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1 this letter in the Commission's official license file, but I
2 direct Your Honor's attention to Mass Media Bureau Exhibit
3 No. 5, which is the Commission's response, which I believe
4 to be the Commission's response to this letter. That is to
5 say, the Commission did receive a letter dated November 9,
6 1990, even though it is not in the license file, but I think
7 this proves that the Commission received such a letter.

8 JUDGE SIPPEL: This is a response from Ms. May
9 Bradfield?

10 MS. LADEN: That's correct, Your Honor, and if you
11 see the first sentence, it makes a reference to letter of
12 November 9, 1990.

13 JUDGE SIPPEL: I see that. You pointed that out,
14 and it seems to be right on point.

15 MS. LADEN: I'm a little reluctant to say we have
16 no objection because I don't know whether this is the letter
17 we were responding to, but I suspect it is.

18 JUDGE SIPPEL: I share your suspicion, but over
19 and above that, it's--again this is offered as evidence
20 precisely for the reasons that Mr. Brown has stated, that
21 you know, he is attempting to try and do something about a
22 situation that is very much at issue in this case, i.e., the



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1 fact that the radio is silent at that time, so--and it does
2 relate to things that is in the Bureau records, although you
3 say, I hear your loud and clear, that this document does not
4 appear some place in the file.

5 MS. LADEN: Your Honor, I would also point out
6 something interesting on Mass Media Bureau Exhibit No. 5.
7 The body of that letter repeats the data that is in the
8 attachment.

9 JUDGE SIPPEL: You mean Exhibit A and B?

10 MS. LADEN: That's correct. In other words, if
11 you look at the next set of Mr. Brown's exhibits where those
12 two pages are, and you compare the text of that with the
13 text of the Commission's response where the Commission
14 describes the location of the, of the field test by the
15 coordinates--

16 JUDGE SIPPEL: Which page are you referring to?
17 Are you still in Exhibit 2, or moving over to Exhibit 3?

18 MR. BROWN: Page 2 of Exhibit 3, Your Honor.

19 JUDGE SIPPEL: Page 2 of Exhibit 3?

20 MR. BROWN: Yes, sir.

21 MS. LADEN: I think Mr. Brown has indicated that
22 pages 2 and 3 of Exhibit 3 are attachments A and B to this



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1 letter.

2 JUDGE SIPPEL: All right. Well, with that, again,
3 with those explanations, I think we can, I think we can
4 track this through the record. Again, we are not doing that
5 many documents. I don't think there is any confusion here.

6 MS. LADEN: I don't think there is, Your Honor.

7 JUDGE SIPPEL: Well then, I'm going to, I'm going
8 to receive Exhibit 2, page 3, into evidence at this time,
9 and note for the record that that's to be read in
10 conjunction with pages 2 and 3 of Exhibit 3, which is to be
11 addressed at a later time today, and also that we should be
12 aware of Mass Media Bureau's Exhibit No. 5, which appear to
13 be responsive to what we are talking about here.

14 I don't want to say any more because we are trying
15 to have a clean record with documents, so Exhibit 2, page 3,
16 is now received in evidence.

17 (Brown Exhibit No. 2, page 3
18 was received into evidence.)

19 JUDGE SIPPEL: Page 4, this is addressed to the
20 Federal Communications Commission's Mass Media Services in
21 Pittsburgh dated April 25, 1991, and it has got your name on
22 it, Mr. Brown.



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1 MR. BROWN: Yes, sir.

2 JUDGE SIPPEL: Is that your letter? Did you send
3 it?

4 MR. BROWN: Yes, sir.

5 JUDGE SIPPEL: You sent it on April 25 or
6 thereabouts?

7 MR. BROWN: Thereabouts, yes, sir.

8 JUDGE SIPPEL: Of 1991? Of 1991?

9 MR. BROWN: Yes, sir.

10 JUDGE SIPPEL: What is the relevance of this
11 letter?

12 MR. BROWN: Just another document showing, Your
13 Honor, that we were communicating with the Commission.

14 JUDGE SIPPEL: Ms. Laden?

15 MS. LADEN: Yes, Your Honor. This document is a
16 Mass Media Bureau Exhibit 6, which shows that it was
17 received in the AM Branch May 13, 1991.

18 I would object to this as being cumulative and
19 would rather have the Bureau's Exhibit 6, which has the day,
20 the received stamp on it.

21 JUDGE SIPPEL: All right. Mr. Brown, do you have
22 any reason why you feel that you need your own copy of this



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1 exhibit? It is already in the record as Exhibit 6.

2 MR. BROWN: No, sir. Her exhibit, Your Honor,
3 will be--

4 JUDGE SIPPEL: Just as good?

5 MR. BROWN: Yes. That's fine.

6 JUDGE SIPPEL: For those purposes, for that
7 reason, I'm going to, I'm going to reject your page 4 as
8 evidence in this case, but it's still, obviously it's still
9 is, the letter itself is still in the record because it's a
10 Bureau exhibit, so you can refer to that letter any time
11 that you--any further proceeding in this case, you can refer
12 to it.

13 The reporter will note that, however, page 4 of
14 Exhibit 2 is rejected as evidence.

15 (Brown Exhibit No. 2, page 4
16 was rejected.)

17 JUDGE SIPPEL: Page 5, this is dated August 16th,
18 1991, Mr. Brown, from you to the Federal Communications
19 Commission Mass Media Services in Pittsburgh, Pennsylvania.

20 Ms. Laden, is this also in the record?

21 MS. LADEN: Yes, Your Honor.

22 MR. BROWN: Yes, sir, it is.



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1 JUDGE SIPPEL: Where would this appear?

2 MS. LADEN: The Bureau's Exhibit 8.

3 JUDGE SIPPEL: All right. All right. My ruling
4 would be the same, unless you can give me another reason,
5 Mr. Brown?

6 MR. BROWN: That will be fine, Your Honor.

7 JUDGE SIPPEL: All right. Then I'm going to
8 reject page 5 as, being rejected as duplicative of Mass
9 Media Bureau's Exhibit No. 8.

10 (Brown Exhibit No. 2, page 5
11 was rejected.)

12 JUDGE SIPPEL: That completes Exhibit No. 2.
13 Exhibit No. 3--these are all Brown Communication exhibits,
14 Brown Communication Exhibits 1, 2, 3.

15 We are on to your Exhibit 3. This will be marked
16 again as, the cover page will be marked as page 1 of that
17 exhibit, and let me just go off the record for a moment.

18 (A discussion was held off the record.)

19 JUDGE SIPPEL: Let's go back on the record.
20 Exhibit No. 3, the cover sheet is being marked as the first
21 page, and then there are pages 2, 3 and 4 that follow.

22 Page 1 being a cover sheet will be received



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1 without any objection.

2 MS. LADEN: Your Honor, I wonder if we could use
3 the same pagination with this exhibit that we were going to
4 use for the last exhibit, because when Mr. Brown and I were
5 just a few minutes ago discussing the Attachments A and B,
6 we both of us referred to them as pages 2 and 3, and I think
7 the record would be clearer if once again, we do not number
8 the cover sheet. Otherwise we are going to have two
9 different references for Attachments A and B.

10 JUDGE SIPPEL: You mean like we did with the, what
11 we planned to do with the, with the limited partnership
12 agreement?

13 MS. LADEN: That's correct, Your Honor.

14 JUDGE SIPPEL: Go off the record for just a
15 minute.

16 (A discussion was held off the record.)

17 JUDGE SIPPEL: Go back on the record. First is a
18 point of clarification.

19 For Exhibit 3 purposes, the cover sheet will be
20 marked as page number 0.

21 The page No. 1 thereafter is the fee processing
22 form, and that's just one page.



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1 Page No. 2 of Exhibit 3 is a letter from Mr. Brown
2 dated November 9th, 1990, to the FCC Field Test Division,
3 and page 3 is a schematic of a proposed tower.

4 Does that fairly describe it, Mr. Brown?

5 MR. BROWN: Yes, sir. That's it.

6 JUDGE SIPPEL: And that's one page?

7 MR. BROWN: Yes, sir.

8 JUDGE SIPPEL: And it was stipulated off the
9 record, I'm just going to repeat it and tell me if anybody
10 disagrees, but the reference in Exhibit 2, page 3, to
11 Exhibits A and B are, Exhibit A and B are respectively
12 Exhibit 3, pages 2 and 3.

13 MR. BROWN: Yes, sir.

14 JUDGE SIPPEL: Correct?

15 MR. BROWN: Yes, sir.

16 JUDGE SIPPEL: Correct, Ms. Laden?

17 MS. LADEN: That's correct, Your Honor.

18 (Brown Exhibit No. 3 was
19 marked for identification,
20 and page No. 0 was received
21 into evidence.)

22 JUDGE SIPPEL: Okay. Then we go from there, so



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1 the fee processing form, is there any objection to receiving
2 that into evidence?

3 MS. LADEN: Yes, sir, Your Honor. I don't know
4 what, I don't know what this fee processing form is for.

5 JUDGE SIPPEL: Mr. Brown?

6 MR. BROWN: It was for the--I had to send a fee in
7 to get--I was talking to May Bradfield on this, and I had to
8 send this hundred dollars fee in for a, for--excuse me--for
9 her to give me the, give me the extension or not. I'm
10 sorry, Your Honor--for the, at the Exhibit A that we have
11 been talking about and Exhibit B, Your Honor.

12 JUDGE SIPPEL: What did you want to accomplish
13 with this fee process form? What were you applying for?

14 MR. BROWN: Yes--again, Your Honor, just showing
15 we were communicating with the Commission.

16 JUDGE SIPPEL: What was purpose for the fee? What
17 were you trying to accomplish?

18 MR. BROWN: Well, they charge fees, Your Honor,
19 for certain things that they do.

20 JUDGE SIPPEL: Yes. I know that. What is the
21 certain things you were trying to establish here?

22 MR. BROWN: Well, to get the, the permission to do



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1 the field testing.

2 JUDGE SIPPEL: I see. That you would need a
3 processing fee to do that?

4 MR. BROWN: Yes, sir, for them to process the
5 information.

6 JUDGE SIPPEL: Just a second. Ms. Laden?

7 MS. LADEN: That I have no objection to.

8 JUDGE SIPPEL: All right. That will be received
9 into evidence.

10 What I'm receiving into evidence at this time is
11 page No. 1 of Exhibit 3.

12 (Brown Exhibit No. 3, page 1
13 was received into evidence.)

14 JUDGE SIPPEL: Page No. 2, there shouldn't be any
15 contention over page 2 and 3 because we have already
16 stipulated to where they cross-reference to an earlier
17 exhibit, so I take it there is no objection to these?

18 MS. LADEN: That's correct, Your Honor.

19 JUDGE SIPPEL: All right. Then Exhibit No. 3,
20 page 2, which is a letter dated November 9, 1990, from Mr.
21 Brown to the FCC's Field Test Division, is received in
22 evidence, and the schematic drawing on page 3 of Exhibit 3,



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1 schematic drawing of a proposed tower, is also received in
2 evidence, and that again cross-references to an earlier
3 exhibit.

4 (Brown Exhibit No. 2, pages
5 2 & 3 were received into
6 evidence.)

7 MS. LADEN: Your Honor, for the record, I did want
8 to make clear that we have been unable to locate this
9 document in the license file for WKIJ, but it is referred to
10 to as you indicated in a response by the Commission.

11 JUDGE SIPPEL: All right. Mr. Brown, did you want
12 to add anything to that?

13 MR. BROWN: No, Your Honor, other than when I sent
14 this, I believe I sent three copies, which is what the
15 Commission requires, Your Honor.

16 JUDGE SIPPEL: I hear you. All right. We are
17 into Exhibit No. 4, and this is just a one-page document, is
18 that correct?

19 MR. BROWN: Yes, sir.

20 JUDGE SIPPEL: Which is a hand note of a telephone
21 conversation, is that correct?

22 MR. BROWN: Yes, sir.



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1 JUDGE SIPPEL: Let's start by having again the
2 numbering procedures on this exhibit. The cover sheet,
3 which is Exhibit No. 4, will be marked as page No. 1, and
4 the one-page handwritten note will be page No. 2 of Exhibit
5 4, and there being no contest with respect to the cover
6 sheet--

7 MS. LADEN: Your Honor, I have an objection with
8 respect to the cover sheet.

9 JUDGE SIPPEL: All right much let's here it. The.

10 MS. LADEN: The cover sheet describes the
11 conversation and says that there was no mention of being off
12 the air and other things.

13 The notes don't indicate that. The cover sheet is
14 unknown, and even if it were, we would object as hearsay.

15 JUDGE SIPPEL: I hear you. What is your response
16 to that, Mr. Brown?

17 MR. BROWN: Again, that we were communicating with
18 the Commission.

19 JUDGE SIPPEL: All right. I hear you. What I'm
20 prepared to do is receive the cover sheet in up to the point
21 where it talks, where it mentions with May Bradfield at the
22 FCC, and I would strike the rest of it, everything after



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1 that, as being hearsay and not being specifically supported
2 by what is in the letter, in the handwritten note, so I'm
3 striking that portion and having stricken that portion of
4 the first page.

5 Do you now have an objection?

6 MS. LADEN: No, Your Honor.

7 JUDGE SIPPEL: All right. Then with my striking,
8 the first page of Exhibit No. 4 is now received in evidence.

9 (Brown Exhibit No. 4 was
10 marked for identification,
11 and page No. 1 was received
12 into evidence.)

13 JUDGE SIPPEL: How about page No. 2?

14 MR. BROWN: Well--

15 JUDGE SIPPEL: I want to ask Ms. Laden if she has
16 an objection to it.

17 MS. LADEN: I just don't think it is very--I have
18 no objection for its weight. It doesn't describe the
19 content of the conversation. I don't see that it's material
20 to anything.

21 MR. BROWN: Your Honor, if you will notice, that
22 it's for the 90-day extension that we covered back in the



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1 fee form of a hundred dollars.

2 JUDGE SIPPEL: I understand what you're saying,
3 but I don't think, there isn't any--the Bureau is not
4 contesting the fact you have got a 90-day extension. Isn't
5 that correct? I mean it is not an issue.

6 MR. BROWN: I am not meaning that, Your Honor.
7 All I'm saying is that, I just I wanted to show you that,
8 that's what we, this, this shows that we were communicating
9 again with the Commission.

10 JUDGE SIPPEL: All right. I'm going to ask Ms.
11 Laden again just briefly respond to what he said.

12 MS. LADEN: For that limited purchase, I suppose I
13 have no objection.

14 I don't--I have a letter here, Mass Media Bureau
15 Exhibit 7, May 16, 1991, which talks about a telephone
16 conversation December 18, 1990, talks about a letter from
17 Mr. Brown of April 25, 1991, which is Mass Media Bureau
18 Exhibit 6, but I, you know, as I said, I don't think it's
19 probative, but I suppose for whatever weight Your Honor
20 wants to give it, I have no objection.

21 JUDGE SIPPEL: All right. For the limited purpose
22 that Mr. Brown is offering it, I will receive it into



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1 evidence, and so page No. 2 of Exhibit 4 is received in
2 evidence.

3 (Brown Exhibit No. 4, page 2
4 was received into evidence.)

5 JUDGE SIPPEL: That brings us to Exhibit 5.
6 Exhibit 5 is just a, is the one-page cover sheet entitled
7 telephone call received by Jimmy Brown from Federal
8 Communications Commission regarding ownership statement, and
9 there is some other things in there about The New York Times
10 Broadcasting Group, and then attached to that cover sheet is
11 a letter dated June 23, 1992, from James R. Anhalt,
12 A-N-H-A-L-T of the New York Times Broadcasting Service, Inc.
13 addressed to whom it may concern, and it says that Jimmy Dan
14 Brown is employed at WREG TV.

15 Does that refer to yourself, Mr. Brown? Is that
16 you?

17 MR. BROWN: Yes, sir. He just misspelled my name
18 there, Your Honor. I spell it with a Y.

19 JUDGE SIPPEL: I see. Is there a--what is the
20 purpose for offering this into evidence?

21 MR. BROWN: Well, again, Your Honor, to show that
22 the Commission could get in touch with me. A lady called me



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1 at the station looking for--at this time, it was probably
2 the first of May or sometime after the first of May, if my
3 memory serves me correctly. The ownership statement is due
4 by May the first.

5 JUDGE SIPPEL: Of 1991?

6 MR. BROWN: Each year, Your Honor. The ownership
7 statement is due each year by May the first, but the one
8 that you're talking about in your cover sheet to Exhibit 5
9 says due May 1st, 1991.

10 MR. BROWN: Yes, sir. Yes, sir. That's correct.
11 And this lady from the FCC called and asked me why I hadn't
12 sent her an ownership statement, and I told her I hadn't
13 received one, and she said she would send me one, so she
14 sent me, she sent me a copy, and I filled it out and
15 returned it to the Commission.

16 That's all I'm trying to show, Your Honor, is that
17 they could communicate with me.

18 JUDGE SIPPEL: Ms. Laden?

19 MS. LADEN: I don't think there is any question
20 that the Commission could communicate with Mr. Brown.

21 I think the problem is whether Mr. Brown was
22 communicating with the Commission. I mean this is something



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1 that I would like to go into on cross-examination, Your
2 Honor, but the rule that is the subject of this revocation
3 requires the licensee to notify the Commission, not the
4 Commission to notify the licensee.

5 JUDGE SIPPEL: Oh, I understand. I understand
6 that, but there is a provision also in the rules for, for a
7 hearing, and he does have an opportunity to put his case on,
8 and if he feels that this is, this is relevant, and it is
9 subject for cross-examination, I'm, I will receive it again
10 for these limited purposes.

11 MR. BROWN: That's all I'm asking, Your Honor.

12 JUDGE SIPPEL: Let me get the mechanics down here.
13 First of all, all I'm going to do is allow the cover sheet
14 to say telephone call received by Jimmy D. Brown from
15 Federal Communications Commission. Well, I'm sorry. I'm
16 having trouble even with that because there really is no
17 telephone call in the letter of June 23. That has
18 absolutely no reference at all to a telephone call from the
19 FCC. All it is is a letter from Mr. Anhalt of the New York
20 Times.

21 MR. BROWN: Your Honor, if you look at the second
22 paragraph, on one occasion in 1991, I recall answering a



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1 telephone call.

2 JUDGE SIPPEL: For Jimmy Dan--

3 MR. BROWN: Yes, sir.

4 JUDGE SIPPEL: I understand. Okay.

5 MR. BROWN: See, he answered the phone, and then
6 relayed the message to me. He happened to be standing at my
7 station and answered the phone. He is the director of
8 engineering at the WREG, Your Honor, the New York Times
9 Broadcasting Service.

10 JUDGE SIPPEL: Well, I do think this is just a
11 bits too remote. I'll mark Exhibit No. 5. It is already
12 marked.

13 Page 1 and page 2 I am going to reject as
14 exhibits. It's so, it's so difficult to follow the
15 reasoning for the relevance of this testimony, and again,
16 without Mr. Anhalt here in court to fully testify to what
17 went on, I'm not going to receive that into evidence. It's
18 just not reliable enough, so Exhibit No. 5 at page 1, which
19 is the cover sheet, is rejected, and page 2, the letter from
20 Mr. Anhalt, is rejected for the reasons I have stated.

21 (Brown Exhibit No. 5 was
22 marked for identification,



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1 and pages 1 & 2 were
2 rejected.)

3 JUDGE SIPPEL: Now that brings us up to Exhibit
4 No. 5. I'm sorry--Exhibit No. 6, which has several pages of
5 context that we are going to want to discuss, and then
6 page--and then Exhibit 7. Exhibit 7 should come in without
7 too much, can be handled without too much trouble.

8 Exhibit 8 is your land lease. That shouldn't be
9 too much of a bother, but it is ten to twelve, and we have
10 been in here since 9:30, and I think that this would be an
11 appropriate time, that we did not have a recess this morning
12 except to do work, so it's ten to twelve. I think we can,
13 we can recess now for lunch and come back here at one
14 o'clock and move along.

15 MR. BROWN: Yes, sir.

16 JUDGE SIPPEL: We are in recess until one clock.
17 Off the record.

18 (Whereupon, at 11:52 a.m., the hearing was
19 recessed, to reconvene at 1:00 p.m. the same day.)
20
21
22



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